



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 4226-99
8 December 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 10 September 1987, with about 14 years of prior active duty service. You were discharged on 8 April 1988 by reason of obesity. Effective 15 November 1989, the Department of Veterans Affairs (VA) awarded you a 10% rating for hypertension, and 0% ratings for reflux esophagitis and hearing loss. Effective 9 September 1995, you were granted a 30% rating for heart disease with hypertension, 10% for an eye condition, and 10% for the esophagitis, for a combined rating of 40%. The combined rating was increased to 60% in 1997.

The Board noted that the VA, unlike the military departments, awards disability ratings without regard to the issue of fitness for military duty. In addition, the VA may raise or lower a veteran's disability rating throughout his life time, to reflect changes in the severity of rated conditions, as occurred in your case. Although you had a number medical complaints prior to your discharge by reason of obesity, those conditions produced from minimal to no impairment of your ability to perform the duties of your rate, and did not become severe for many years thereafter. Your contention that you suffered a heart attack prior to your discharge

is unsubstantiated, and was rejected by the Board. As the Board could not find any basis for recommending that your record be corrected to show that you were separated or retired by reason of physical disability, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director